

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: June 24, 2010
Time: 9:30 a.m.

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In re:

GAIL MARIE DIMICCO-CAMPBELL,

Chapter 13
Case No.: 8- 10-72642-736

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 24th day of JUNE, 2010 at 9:30 a.m., at the United States Bankruptcy Court located at the Long Island Federal Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521(a)(1), & 1307(c), dismissing this case, by reason of the debtor's failure to submit monthly pre-confirmation payments, failure to file and/or provide documents, failure to appear at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than five (5) days prior to the return date of this motion.

Dated: Melville, New York
June 8, 2010

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: Office of the United States Trustee
Gail Marie Dimicco-Campbell, Pro Se Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

GAIL MARIE DIMICCO-CAMPBELL,

Chapter 13

Case No.: 8- 10-72642-736

Debtor(s)

APPLICATION

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TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY
JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate,
respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on
April 13, 2010, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as
Trustee.

2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-
confirmation payments to the Trustee.

3. In addition, as of this date the debtor(s) has failed to file copies of pay statements
from employer for sixty (60) day period preceding filing, within the fifteen (15) day period
required under the Bankruptcy Code.

4. Furthermore, as of this date the debtor has failed to provide the Trustee with
written appraisal for property; copies of previous year's State and Federal Tax Returns; all filings
required under Section 521; and all mandatory disclosure documentation as set forth in Local
Bankruptcy Rule 2003-1.

5. Moreover, the debtor failed to appear at the initial §341 meeting of creditors, held
on June 1, 2010 at 9:00 a.m.

6. This is a material default and is prejudicial to the rights of the creditors of the
debtor.

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11
U.S.C. §§521(a)(1), & 1307(c), dismissing this case, and for such other and further relief as this
Court deems just and proper.

Dated: Melville, New York
June 8, 2010

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

MARY E. FERRO, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On June 8, 2010, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

To: Office of the United States Trustee
 Long Island Federal Courthouse
 560 Federal Plaza
 Central Islip, NY 11722

Gail Marie DiMicco-Campbell, Pro Se Debtor
28 B Nesaquake Avenue
Port Washington, NY 11050

/s/ *Mary E. Ferro*
MARY E. FERRO

Sworn to before me this
8th day of June, 2010

/s/ *Loni Bragin*

NOTARY PUBLIC

Loni Bragin
Notary Public, State of New York
No. 01BR6172194
Qualified in Suffolk County
Commission Expires August 6, 2011